

# **EXHIBIT S**

1 ..Title

2 An amendment for the protection of the public health  
3 through the nutrition labeling of food; adding new sections  
4 to the Code of the King County Board of Health ("BOH")  
5 Chapter 5.10; enacted pursuant to RCW 70.05.060,  
6 including the latest amendments or revisions thereto.

7 ..Body

8 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

9 NEW SECTION. SECTION 1. There is hereby added to BOH Chapter 5.10 a new  
10 section to read as follows:

11 **Chapter definitions.** In addition to the definitions in BOH Chapter 5.04, the  
12 definitions in this section apply throughout this chapter unless the context clearly requires  
13 otherwise.

14 A. "Chain food establishment" means any one of at least ten food establishments  
15 within the United States doing business under the same name and offering for sale  
16 substantially the same menu items, regardless of whether the food establishments are subject  
17 to the same ownership or type of ownership.

18 B. "Condiment" means a sauce or seasoning including but not limited to ketchup,  
19 mustard, hot sauce, tartar sauce and similar items offered for general use with or without  
20 charge.

21 C. "Standard menu item" means food offered for sale for more than thirty days per  
22 year, except for foods offered in a salad bar, buffet line, cafeteria service or similar self-  
23 serve arrangement, and condiments.

1        NEW SECTION. SECTION 2. There is hereby added to BOH Chapter 5.10 a new  
 2 section to read as follows:

3        **Food nutrition labeling requirements.** A. Nutrition labeling of food required.  
 4 Each chain food establishment shall make nutrition labeling of food available to consumers  
 5 for all standard menu items as required by this section. The nutrition labeling of food shall  
 6 include, but not be limited to, the total number of calories and nutrients as follows, per  
 7 standard menu item, as usually prepared and offered for sale:

- 8            1. Total number of calories;
- 9            2. Total number of grams of trans fat;
- 10           3. Total number of grams of saturated fat;
- 11           4. Total number of grams of carbohydrate; and
- 12           5. Total number of milligrams of sodium.

13        B. Nutrition labeling of food on menus. Each chain food establishment that  
 14 provides a menu shall provide the nutrition labeling of food required under subsection A of  
 15 this section next to each standard menu item on the menu in a size and typeface similar to  
 16 other information about each standard menu item. The bottom of each page of a menu shall  
 17 include, in a clear and conspicuous manner, the following statement: "Recommended limits  
 18 for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium."

19        C. Nutrition labeling of food on menu boards. Each chain food establishment that  
 20 uses a menu board shall post on the menu board the total number of calories per standard  
 21 menu item in a size and typeface similar to other information on the menu board about the  
 22 item. This type of chain food establishment shall make the other nutrition labeling of food  
 23 required under subsection A of this section available on printed menus, pamphlets,

1 brochures, posters or similar documents that are plainly visible to consumers at the point of  
2 ordering.

3 D. Additional nutrition labeling of food permitted. Nothing in this section precludes  
4 food establishments from providing additional nutrition labeling of food voluntarily.

5 E. Standards for nutrient analysis. Chain food establishments shall perform or  
6 obtain the required calorie and nutrient analysis using reasonable bases, including  
7 nutrient data bases, cookbooks, or other analyses that assure the accuracy of the nutrition  
8 labeling. Chain food establishment owners or operators shall provide to the health  
9 officer, if requested, information documenting the accuracy of the nutrition labeling  
10 provided to consumers. A nutrition label shall be deemed out of compliance with this  
11 section if it bears, for calories or any nutrient for which labeling is required under  
12 subsection A of this section, a total number value that is more than twenty percent lower  
13 or higher than nutrient analysis shows as the content of the menu item.

14 F. Disclaimer for nutrition content variation. The nutrition labeling of food required  
15 under subsection A of this section may be presented with a disclaimer stating that there may  
16 be variations in nutrition content across servings, based on slight variations in overall  
17 serving size or quantity of ingredients, or based on special ordering.

18 **SECTION 3. Severability.** If any provision of this rule or its application to any  
19 person or circumstance is held invalid, the remainder of the rule or the application of the  
20 provision to other persons or circumstances is not affected.

21 **SECTION 4. Effective date.** This rule takes effect August 1, 2008.